

1 MELINDA HAAG (CABN 132612)  
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)  
3 Chief, Criminal Division

4 NATALIE LEE (CABN 277362)  
Assistant United States Attorney

5 450 Golden Gate Avenue  
6 Eleventh Floor  
7 San Francisco, CA 94102  
Telephone: (415) 436-7301  
8 Fax: (415) 436-6753  
E-Mail: natalie.lee2@usdoj.gov

9 Attorneys for the United States of America

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 UNITED STATES OF AMERICA, ) No. CR 13-mj-70505 LB

16 v. )

17 EUGENE WHITMORE, )

18 Defendant. )

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**STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING TIME LIMITS OF  
RULE 5.1(c) AND EXCLUDING TIME**

21 On May 7, 2013, the parties in this case appeared before the Court for an initial  
22 appearance on a Complaint. The parties submitted a Stipulation and Proposed Order Extending  
23 the Time Limits of Rule 5.1(c) and Excluding Time until May 30, 2013, and the Court granted  
24 that request. The parties then submitted a second Stipulation and Proposed Order Extending the  
25 Time Limits of Rule 5.1(c) and Excluding Time until June 14, 2013, and the Court granted that  
26 request. The parties submitted a third Stipulation and Proposed Order Extending the Time  
27 Limits of Rule 5.1(c) and Excluding Time until June 26, 2013, and the Court granted that  
28 request. The parties now submit this final Stipulation and Proposed Order Extending the Time

Limits of Rule 5.1(c) and Excluding Time until July 11, 2013.

Pursuant to Rule 5.1(d), the defendant consents to this extension of time and waiver, and the parties represent that good cause exists for the extension, including the effective preparation of counsel. The requested continuance is needed to allow counsel sufficient time to review discovery that the government has provided and to research case law related to the charges against the defendant, and the failure to grant the continuance requested would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Therefore, the parties agree that the Court shall order that the Speedy Trial clock shall be tolled for the reasons stated above from June 26, 2013 to July 11, 2013, and that the arraignment/ preliminary hearing be continued until July 11, 2013. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

SO STIPULATED:

MELINDA HAAG  
United States Attorney

DATED: June \_24\_, 2013

/S/  
\_\_\_\_\_  
NATALIE LEE  
Assistant United States Attorney

DATED: June \_24\_, 2013

/S/  
\_\_\_\_\_  
NATALIE LEE  
ELIZABETH FALK  
Attorney for Eugene Whitmore

~~PROPOSED~~ ORDER

For the reasons stated above, the Court finds that the extension of time limits applicable under Federal Rule of Criminal Procedure 5.1(c) from June 26, 2013 through July 11, 2013 is warranted and that a continuance of the defendant's arraignment / preliminary hearing to July 11, 2013 is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance under Rule 5.1 outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for

1 the government the reasonable time necessary for effective preparation, taking into account the  
2 exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C.  
3 §3161(h)(7)(B)(iv).

4 IT IS SO ORDERED.

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6 DATED: June 26, 2013

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9 THE HONORABLE LAUREL BEELER  
10 United States Magistrate Judge  
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